

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION


Lisa R. Varga,	:	
Plaintiff	:	Civil Action 2:06-cv-846
v.	:	Judge Sargus
State of Ohio, <i>et al.</i> ,	:	Magistrate Judge Abel
Defendants	:	

Order

Plaintiff Lisa R. Varga brought this action alleging that defendants violated her rights under 42 U.S.C. §1983 by falsifying criminal convictions. On October 13, 2006, Magistrate Judge Abel filed an Initial Screening Report and Recommendation that the complaint be dismissed for failure to state a claim against any defendant. Plaintiff did not file objections to the Report and Recommendation. Instead, she filed an amended complaint on November 14, 2006. It alleged the sole claim that the prosecutor abused his discretion when he refused to prosecute a criminal law violation. On December 22, 2006, the Magistrate Judge filed a Supplemental Initial Screening Report and Recommendation that the amended complaint failed to state a claim upon which relief may be granted, because a private citizen has no constitutionally protected interest in the prosecution of or the failure to prosecute another. *Linda R.S. v. Richard D.*, 401 U.S 614, 619 (1973); *Futernick v. Sumpter Township*, 78 F.3d 1051, 1056 (6th Cir. 1996). No objections have been filed to either Report and Recommendation.

Upon *de novo* review as required by 28 U.S.C. § 636(b)(1)(B), the Court ADOPTS the October 13 and December 22, 2006 Reports and Recommendations. The Clerk of Court is DIRECTED to enter JUDGMENT dismissing the complaint and the amended complaint for

failure to state a claim for relief against any defendant.

 4-5-2007

Edmund A. Sargus, Jr.
United States District Judge